



## REGULAR CITY COUNCIL MEETING

**(VIRTUAL MEETING TO BE HELD – CITY HALL CLOSED TO IN-PERSON, PUBLIC ACCESS) ZOOM MEETING AND/OR FACEBOOK LIVE INFO TO BE PROVIDED ON CITY WEBSITE & OTHER OUTLETS**

**Tuesday, August 3, 2021 @ 6:30 pm**

**City Hall, 875 Main Street, Stone Mountain, Georgia 30083**

### CALL TO ORDER

### DETERMINATION OF A QUORUM

### INVOCATION AND PLEDGE

**CITIZEN COMMENTS** – (Including comments from Public/Stakeholders; 12 minutes total/3 minutes per comment)

### READING AND APPROVAL OF THE JOURNAL

- A. Minutes of the Regular City Council Meeting 7/6/2021
- B. Minutes of the Special Called City Council Meeting 7/20/2021
- C. Minutes of the City Council Committee/Work Session Meeting 7/20/2021
- D. Minutes of the Special Called City Council Meeting 7/28/2021

### READING OF COMMUNICATIONS

### ADOPTION OF THE AGENDA OF THE DAY

### COUNCIL POLICY DISCUSSION TOPICS

- a. Proposed Ordinance – Community Redevelopment Incentive Program - Update
  - i. Ordinance 2021-XX – To Amend Chapter 5 (Building and Property Regulations)

### UNFINISHED BUSINESS – None.

### NEW BUSINESS

- A. Round 2 – Residential Relief – Stone Mountain Cares Relief Program

### NEW ORDINANCE AND RESOLUTIONS

- A. Ordinance 2021-04 - To Amend Chapter 3 (Alcoholic Beverages)
- B. Ordinance 2021-05 - To Amend Appendix A (Zoning)
- C. Resolution 2021-12 – To Exempt Patrons of the Tunes by the Tracks Event from Open Container Regulations
- D. Resolution 2021-13 – FY2021 Budget Amendment

### NEW ORDINANCE AND RESOLUTIONS - None

### ANNOUNCEMENTS BY THE MAYOR

### EXECUTIVE SESSION – To discuss Real Estate

### ADJOURNMENT

#### **COMMENTS FROM THE PUBLIC**

*The public comments are reserved exclusively for comments from the public and not for immediate reply. The purpose of public comment is to allow the public to voice city related requests, concerns or opinions only during the public comment portion of the City Council meeting. I. The Mayor and City Council reserves the right to extend or limit the length of public comments based on: (1) the issue under discussion; (2) the number of items on the agenda; and (3) the extent to which the speaker remains constructive in their comments and questions. II. The public may not directly confront the public speaker but must direct all comments and questions to the Mayor and City Council. III. Public harassment of or confrontation with a public speaker will not be tolerated. Members of the public violating tenets two or three will be asked to sit down or leave the premises.*



**MINUTES OF THE REGULAR CITY COUNCIL MEETING**  
**(VIRTUAL MEETING TO BE HELD – CITY HALL CLOSED TO IN-PERSON, PUBLIC ACCESS) ZOOM**  
**MEETING AND/OR FACEBOOK LIVE INFO TO BE PROVIDED ON CITY WEBSITE & OTHER OUTLETS**

**Tuesday, July 6, 2021 @ 6:30 pm**  
**City Hall, 875 Main Street, Stone Mountain, Georgia 30083**

**CALL TO ORDER**

Mayor Wheeler called meeting to order at 6:32pm.

**DETERMINATION OF A QUORUM**

Mayor Wheeler determined there was a quorum present. All Councilmembers present.

**INVOCATION AND PLEDGE**

Diana Ward of Project Transformation gave the invocation and Council Member Cox led the Pledge of Allegiance.

**CITIZEN COMMENTS – (Including comments from Public/Stakeholders; 12 minutes total/3 minutes per comment)**

Randall Lee  
1050 Third Street  
Questioned why no 4<sup>th</sup> of July festivities and DDA investment in Old Post Office building

Joan Monroe  
5499 Woodsong Trace  
Commented on Councilmembers need to be visible during the Zoom sessions

Darryl Gresham  
Expressed opinion on lack of transparency by City Council; questioned \$10,000 for a mural program and monies to rebrand Stone Mountain and the rebranding survey.

Marla Lovell-Bexley  
Thanked the Council for the Public Hearing on taxes and listening to the citizens to not raise taxes; looking forward to the traffic study as well.

Ginger Criswell  
Inquired about the findings for JBR Memorial Drive traffic study; advised a study survey is being created and need the results of the traffic study before completing the survey; asked for a Public Hearing for all affected by JBR Memorial Drive

Teresa Crowe  
1040 Third Street  
Asked why the City will not continue to make the Village of Stone Mountain t-shirts that were made in the past.

**READING AND APPROVAL OF THE JOURNAL**

- A. Minutes of the Regular City Council Meeting 6/1/2021
- B. Minutes of the Special Called City Council Meeting 6/7/2021
- C. Minutes of the Special Called City Council Meeting 6/11/2021
- D. Minutes of the Special Called City Council Meeting 6/15/2021
- E. Minutes of the City Council Committee/Work Session Meeting 6/15/2021
- F. Minutes of the Special Called City Council Meeting 6/29/2021

Mayor Pro Tem Johnson moved to approve the Minutes of all the meetings at one time held on 6/1/2021, 6/7/2021, 6/11/2021, 6/15/2021, and 6/29/2021; seconded by Councilmember Hollis.

Approved 6-0

## **READING OF COMMUNICATIONS**

There were no communications to read.

## **ADOPTION OF THE AGENDA OF THE DAY**

Mayor Pro Tem Johnson moved to approve the agenda of the day with the exclusion of item C Southern Sky Fireworks, LLC Contract; seconded by Council Member Hollis.

## **COUNCIL POLICY DISCUSSION TOPICS**

- a. Council Initiated Text Amendments - Microbreweries, Microdistilleries
  - i. Ordinance 2021-04 - To Amend Chapter 3 (Alcoholic Beverages)
  - ii. Ordinance 2021-05 - To Amend Appendix A (Zoning)

Discussion only by Council.

## **UNFINISHED BUSINESS - None**

## **NEW BUSINESS**

- A. Memorandum of Understanding (MOU) between City of Stone Mountain and Mainstreet Program  
Mayor Pro Tem Johnson moved to approve the Memorandum of Understanding (MOU) between the City of Stone Mountain and Mainstreet Program; seconded by Council Member Hollis.

Approved 6-0.

- B. 2021 Stone Mountain Village Forward Strategic Work Plan Adoption

Mayor Pro Tem Johnson moved to adopt the 2021 Stone Mountain Village Forward Strategic Work Plan; seconded by Council Member Hollis.

Approved 4-2; Council Member(s) Bryant and Monroe voted no.

## **NEW ORDINANCE AND RESOLUTIONS - None**

## **CITIZEN COMMENTS – (Including comments from Public/Stakeholders; 10 minutes total/2 minutes per comment)**

Darryl Gresham  
Spoke on community involvement in meetings.

Hilde Friese  
Elaborated on Main Street board as prior board members.

Teresa Crowe  
Questioned vacancy on DDA board and terms of service.

Joan Monroe  
Concerns with Council Members not allowing themselves for view during the zoom session meetings.

Michael Schaapok  
Commented on park beautification.

## **ANNOUNCEMENTS BY THE MAYOR**

Mayor allowed for remarks of privilege from Council Members and made announcements.

## **EXECUTIVE SESSION – To discuss Real Estate**

Executive Session excluded.

## **ADJOURNMENT**

Mayor Pro Tem Johnson moved to adjourn; seconded by Council Member Hollis.

Approved 6-0.

Meeting adjourned at 8:38pm.

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Patricia Wheeler, Mayor

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Alicia Daniels, City Clerk



**MINUTES OF THE SPECIAL CALLED CITY COUNCIL MEETING**  
**(VIRTUAL MEETING TO BE HELD – CITY HALL CLOSED TO IN-PERSON, PUBLIC ACCESS) ZOOM MEETING**  
**AND/OR FACEBOOK LIVE INFO TO BE PROVIDED ON CITY WEBSITE & OTHER OUTLETS**

**Tuesday, July 20, 2021 @ 6:30 pm**  
**City Hall, 875 Main Street, Stone Mountain, Georgia 30083**

**CALL TO ORDER**

Mayor Wheeler called the meeting to order at 6:47pm following the Public Hearing.

**DETERMINATION OF A QUORUM**

Mayor Wheeler determined a quorum was present. All Council Members present. Council Members Johnson, Little, Cox, Hollis, Bryant, and Monroe were present.

**ADOPTION OF THE AGENDA OF THE DAY**

Council Member Johnson moved to adopt the agenda of the day; seconded by Council Member Hollis.

Approved 6-0.

**NEW BUSINESS**

- A. To Consider Change Order Request 002 for the Stonedraw Court Drainage Project As Submitted by Inland Pipe Rehabilitation Southeast, LLC (IPR) – the Contractor of Record - \$26,300

Council asked City Manager Thornton to explain. City Manager Thornton referred summary of the change order to Director Jim Tavenner.

Director Jim Tavenner summarized the change order request.

Council Members followed with discussion and questions concerning the pipe, longevity of the pipe and if a claim can be made against the contractor for the previous pipe.

Attorney Strickland advised there is no claim effort against the previous contractor due to the time frame.

City Manager Thornton advised this is a SPLOST project.

Mayor Pro Tem Johnson moved to approve the change order request 002 for the Stonedraw Court drainage project as submitted by Inland Pipe Rehabilitation Southeast, LLC also known as IPR the contractor of record in the amount of \$26,300; seconded by Council Member Hollis.

Approved 6-0.



## **ADJOURN**

Mayor Pro Tem Johnson moved to adjourn the meeting and proceed to the Work Session Meeting; seconded by Council Member Hollis.

Approved 6-0

Adjourned at 6:56pm.

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Patricia Wheeler, Mayor

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Alicia Daniels, City Clerk



**MINUTES OF THE CITY COUNCIL COMMITTEE/WORK SESSION**  
**(VIRTUAL MEETING TO BE HELD – CITY HALL CLOSED TO IN-PERSON, PUBLIC ACCESS) ZOOM**  
**MEETING AND/OR FACEBOOK LIVE INFO TO BE PROVIDED ON CITY WEBSITE & OTHER OUTLETS**

**Tuesday, July 20, 2021 @ 6:30 pm**  
**City Hall, 875 Main Street, Stone Mountain, Georgia 30083**

**CALL TO ORDER**

Mayor Wheeler called the meeting to order at 6:57pm following the Special Called meeting.

**INVOCATION AND PLEDGE**

City Manager Thornton gave the invocation and Council Member Hollis led the Pledge of Allegiance.

**READING OF COMMUNICATIONS**

There were no communications to read.

**ADOPTION OF THE AGENDA OF THE DAY**

Mayor Pro Tem Johnson moved to adopt the agenda of the day; seconded by Council Member Hollis.

Approved 6-0.

City Manager Thornton explained the Citizen Comments Corner of the City website will be used to answer questions from the Citizen Comments area of the agenda.

**CITIZEN COMMENTS – (Including comments from Public/Stakeholders; 12 minutes total/3 minutes per comment)**

Ginger Criswell

Thanked Council for the traffic study and requested a public hearing concerning the traffic study.

Joan Monroe

Concerned with the Pepperwood neighborhood's improper drainage and sink holes.

Teresa Crowe

1040 Third Street

Spoke on proposed mural for \$10K and golf cart signage.

Dense

5272 Cloud Street

Extended thanks for citizen comments corner of website; inquired about monthly financial reports and concern if City Council receives the reports and inquired how the city will expend ARPA funds.

Daryl Gresham

Concerned with delays of business licensing.

Marla Bexley

Looking forward to traffic study results and having a Public Hearing.

**COMMITTEE DISCUSSION ITEMS**

**A. Planning and Zoning**

City Manager Thornton explained to Council about the deferral request by the applicant at property 6825 JBR Memorial Drive.

**B. Economic Development/Downtown Development Authority – Work Plan Committee Appointment**

DDA Director, Kayla Johnson, gave report.

**C. Historic Preservation Commission**

City Clerk Alicia Daniels reported meeting will be held on Wednesday, July 21 at 6:30pm with four items on the agenda.

- D. Parks and Recreation Committee  
Council Member Cox reported that committee will have their next meeting on the first Monday in August.
- E. Comprehensive Plan – Steering Committee  
City Manager Thornton gave report/update.
- F. Parking Committee  
Council Member Bryant gave an update.

#### **STAFF REPORTS**

- A. Code Compliance Officer  
Sgt Bob Hillis reported on the nuisance abatement initiative.
- B. Public Works Director – Jim Tavenner – Traffic Study Results  
Director Jim Tavenner reviewed the traffic study results and requested a meeting to discuss the results; reported on the raw sewage on Rockborough Terrace.
- C. Chief of Police – Chief Troutman  
Chief of Police in Chief's training so no verbal report.
- D. City Clerk – Alicia Daniels  
City Clerk Alicia Daniels reported on qualifying dates and call for general election.
- E. Tourism Manager – Kim Cumbie  
City Manager Thornton reported on Back-to-School Bash event for Tourism Manager.

#### **CITY MANAGER'S REPORT – City Manager ChaQuias Thornton – Updates Including ARPA Funds, Southern Sky Fireworks Contract, and Return to In-Person Meeting Forum**

City Manager Thornton gave report. City Manager Thornton asked for a Special Called Meeting before the next meeting to discuss the COVID-19 current stats and determination of in-person meetings for August. City Manager Thornton also reported on the progress of the On-line Zoning Map.

#### **COUNCIL POLICY DISCUSSION TOPICS**

- a. Proposed Ordinance – Community Redevelopment Incentive Program - Update
  - i. Ordinance 2021-XX – To Amend Chapter 5 (Building and Property Regulations)

City Manager Thornton reviewed the proposed ordinance.

City Council discussed.

City Manager asked for a vote to complete a draft to move forward.

Mayor Pro Tem Johnson moved to complete the draft of the ordinance; seconded by Council Member Hollis.

Approved 6-0 to move forward.

#### **UNFINISHED BUSINESS – None.**

#### **NEW BUSINESS**

- A. Round 2 – Residential Relief – Stone Mountain Cares Relief Program

City Manager Thornton summarized proposed continued program with St. Vincent De Paul



## **NEW ORDINANCE AND RESOLUTIONS**

### **A. Ordinance 2021-04 - To Amendment Chapter 3 (Alcoholic Beverages)**

City Manager Thornton summarized Ordinance and reported on notes from Planning Commission concerning the ordinance.

City Council discussed and asked questions concerning times of sale for alcohol and barrel amounts for the micro distilleries/microbreweries. Due to these concerns, first read was in question.

City Attorney Strickland advised Council to push forward with first read but add fill in blanks/possible edits, so they can proceed with second read at next meeting.

City Council then agreed to get input of business owners in the city concerning this proposed ordinance before a first read.

### **B. Ordinance 2021-05 - To Amend Appendix A (Zoning)**

City Manager and City Attorney proposed postponing the read for this ordinance as well until input is received from the local businesses.

City Council agreed.

### **C. Resolution 2021-12 – To Exempt Patrons of the Tunes by the Tracks Event from Open Container Regulations**

City Manager Thornton reviewed the request for an open container area for Tunes by the Track.

Council discussed a possibility of having a more permanent open container area and not just tied to a specific event.

### **D. Resolution 2021-13 – FY2021 Budget Amendment**

City Manager Thornton reviewed the resolution for a budget amendment to the FY 2021 budget for DCVB Hotel/Motel tax, revenue from film permits and Village Cruiser Car show.

## **ANNOUNCEMENTS BY THE MAYOR**

No announcements from Mayor Wheeler.

## **EXECUTIVE SESSION TO DISCUSS LITIGATION, REAL ESTATE, AND PERSONNEL**

Mayor Pro Tem Johnson moved to adjourn into Executive Session to discuss litigation, real estate, and personnel; seconded by Council Member Hollis.

Approved 6-0.

Adjourned into Executive Session at 9:46pm.

City Council returned from Executive Session at 10:37pm.

Mayor Pro Tem Johnson announced there was no action taken out of Executive Session.

**ADJOURNMENT**

Mayor Pro Tem Johnson moved to adjourn the meeting; seconded by Council Member Hollis.

Approved 6-0

Adjourned at 10:37pm.

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Patricia Wheeler, Mayor

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Alicia Daniels, City Clerk



**MINUTES OF THE SPECIAL CALLED CITY COUNCIL MEETING**  
**(VIRTUAL MEETING TO BE HELD – CITY HALL CLOSED TO IN-PERSON, PUBLIC ACCESS) ZOOM MEETING**  
**AND/OR FACEBOOK LIVE INFO TO BE PROVIDED ON CITY WEBSITE & OTHER OUTLETS**

**Wednesday, July 28, 2021 @ 4:00 pm**  
**City Hall, 875 Main Street, Stone Mountain, Georgia 30083**

**CALL TO ORDER**

Mayor Wheeler called the meeting to order at 4:02pm.

**DETERMINATION OF A QUORUM**

Mayor Wheeler determined a quorum was present. All Council Members present; Council Member(s) Johnson, Little, Cox, Hollis, Bryant, and Monroe present.

**ADOPTION OF THE AGENDA OF THE DAY**

Mayor Pro Tem Johnson moved to adopt the agenda of the day; seconded by Council Member Hollis.

Approved 6-0.

**NEW BUSINESS**

A. Ordinance 2021-07 – To Declare Local State of Emergency for the City of Stone Mountain

Mayor Pro Tem Johnson moved to adopt the Ordinance 2021-07 to declare local state of emergency for the City of Stone Mountain; seconded by Council Member Hollis.

City Manager explained the ordinance and City Attorney gave further explanation.

City Council discussed.

City Attorney advised this state of emergency will need to be revisited by the Council prior to the 30-day expiration.

Approved 6-0.

B. Round 2 – Residential Relief – Stone Mountain Cares Relief Program

City Manager Thornton reviewed the current resources for the project of \$92,065 and the proposed reallocation of funding for the program.

City Council discussed.



Mayor Pro Tem Johnson moved to approve the funding for Round 2 of the Residential Relief program in the amount of \$125,000; seconded by Council Member Hollis.

Council Member Monroe then moved to amend the funding for Round 2 to \$325,000; there was no second to the motion.

Mayor Wheeler called for the original motion. Mayor Pro Tem Johnson restated the motion to approve the funding for Round 2 of the Residential Relief program in the amount of \$125,000; seconded by Council Member Hollis.

Approved 6-0.

### **ADJOURN**

Mayor Pro Tem Johnson moved to adjourn the meeting; seconded by Council Member Hollis.

Approved 6-0.

Meeting adjourned at 4:54pm.

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Patricia Wheeler, Mayor

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Alicia Daniels, City Clerk

**MEMORANDUM**  
City of Stone Mountain  
875 Main Street  
Stone Mountain, GA 30083

DATE : July 16, 2021  
TO : Mayor and City Council  
FROM : ChaQuias Thornton, City Manager

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RE : Proposed Ordinance – Community Redevelopment Tax Incentive Program

07/20/2021 – COUNCIL POLICY DISCUSS TOPICS ITEM a.

**Item History and Description**

In 2020, the City Manager's Office reviewed application requirements for the City's potential submittal of the Community HOME Investment Program (CHIP) application. Within the administrative recommendation to Council regarding the CHIP application, the City Manager presented a recommendation for the Council to consider the enactment of policy specific to area rehabilitation and blight removal. The expressed purpose of the blight ordinance (as a part of the community redevelopment initiative) is to assist in remedying or eradicating scenarios of slum and blight within the community by spelling out specific processes for declaring derelict or blighted property and for providing enforcement activity such as tax increases for properties due to the condition of such properties. The purpose of a blight tax (or community redevelopment tax incentive) program is to decrease the financial burden on local governments by helping to fund the remediation of such properties and to encourage private property owners to maintain their property. In response to this request, the City Manager has conducted an analysis of this redevelopment tool and has presented initial language in draft ordinance form for review to the City Attorney for ultimate consideration by the Governing Authority.

**Background for Proposal**

In 2002, the state of Georgia adopted legislation that authorizes local governments to increase property taxes on blighted properties within their jurisdictions. The legislation created was the Community Redevelopment Tax Incentive Program. This program also allows for a subsequent decrease in property taxes, for a period that is pre-determined, after instances of blight are corrected (i.e. through the remediation or redevelopment of the property). The tax cannot be imposed upon single-family residential structures used as an owner's primary residence but, through process, can be imposed upon properties that include vacant or renter-occupied single-family residential structures and blighted commercial or industrial structures. There are several Georgia cities that have enacted blight tax ordinances since the creation of the program.

In order to levy the additional tax, the City has to clearly define blight and a procedure must be established to ensure proper due process from the declaration of the condition of blight to official imposition of the tax. The ordinance will accomplish this requirement for levy. Funds generated from the imposition of the additional tax can go into the general

Memo: Community Redevelopment Tax Incentive Program

fund and be allocated directly to the general government line item that houses the allocation for expenses related to the abatement of nuisances within the city.

Although the research that is available does not conclude that a significant level of success is attained with this program, due in-part to the fact that the owners of blighted properties often do not pay the taxes on the properties anyway and there are sometimes challenges in identifying ownership to serve notice. However, the Administration does believe this program can be a useful tool in the following ways:

- Encouraging voluntary compliance with the city's building and property maintenance codes.
- Encouraging the rent, lease or use of vacant or underutilized properties to pay the extra tax.
- Increasing the local governments efficiency in eradicating instances of blight.
- Reducing the burden on the local government (and essentially, the taxpayers of the City). Blighted properties often require a higher level of government services such as public safety and code enforcement. The increase tax offers a mechanism for the local government to recoup some of the costs relative to the increased burden.

There are identified disadvantages of the tax, which are:

- The tax could be particularly burdensome for low-income individuals and struggling businesses that have been unable to improve the blighted conditions.
- Property owners may pass the cost of increased taxes or repairs to low-income tenants or businesses that occupy the properties in the form or higher rents or leases.
- Property owners may also be inclined to demolish the structure to remove the blight, which may result in a loss to the community, such as a loss to the historic value of the town.
- Blighted properties that are owned by tax-exempt owners would not be considered under this form of blight eradication.

For the percentage of successful cases to be relevant, the millage rate (additional tax) increase should be substantial. NOTE: There are no limits to the increased or decreased millage rates placed on blighted properties.

The City Manager will present a recommendation of the suggested rate of increase and subsequent rate of decrease with formal presentation of the ordinance draft if Council should want to move forward with consideration of the "blight tax" ordinance.

Action currently requested of the Governing Body:

- The Administration is requesting Council to provide consent to move forward with continued draft/review of ordinance for a Community

Memo: Community Redevelopment Tax Incentive Program

Redevelopment Tax Incentive Program based on the benefits and disadvantages listed above.

Thank you,  
CMThornton

**MEMORANDUM**  
City of Stone Mountain  
875 Main Street  
Stone Mountain, GA 30083

DATE : July 30, 2021  
TO : Mayor and City Council  
FROM : ChaQuias Thornton, City Manager

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RE : Round 2 – Residential Relief – Stone Mountain Cares Relief Program

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08/03/2021 – REGULAR SESSION – NEW BUSINESS ITEM A.

During the special called session of Mayor and Council held on Wednesday, July 28<sup>th</sup>, 2021, Council voted to approved \$125,000 in funding for Round 2 of the Residential Relief Program. Meeting with Saint Vincent de Paul is being scheduled for the week of August 2<sup>nd</sup> to discuss program administration, including application period implementation.

Forms of assistance provided during the first round of the program included:

- Rent and Mortgage
- Utilities (Water, Gas, Electric)
- Transportation (Car payment, Car Insurance)
- Broadband (Cable, Internet)

The following information was requested for application during the first round of the program:

- **Household information** (Head of Household, Address, Spouse, # of people in household, # of children in household)
- **Employment information** (Employer, Length of employment, Previous employer)
- **Description of Situation/Hardship**
- **Amount of funding being requested**
- **Documentation of COVID-19 Impact** (Loss of employment/termination letter, unemployment statement, positive COVID-19 test, paystubs to show loss of wages, etc. All documentation must have applicant's name on it. If you cannot provide the documentation at time of application, you may be asked to provide it to your caseworker once assigned.
- **Monthly income information** (all sources)
- **Monthly expenses information** (including list of outstanding bills)
- **Proof of Residency**
- **Information for agencies that have been applied with in the last 12 months**

Maximum payout per household during the first round of the program was \$4,000.

Memo: Round 2 – Residential Relief – Stone Mountain Cares Relief Program



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 ITEM HISTORY

## 07/28/2021 – SPECIAL CALLED – NEW BUSINES ITEM B

During the most previous session of Council, the Governing Authority began conversation on Round 2 of residential relief funding with some consideration for assigning a portion of the \$233,000 in reallocated depot funding. The question was raised as to how much of the reallocated funding might be needed for any anticipated shortfall in tax revenue due a reduction of the millage rate to 17.818. The anticipate YE short fall will be \$140,157. Please see explanation below.

The current budget is \$2,146,787. Under the 17.818 mil rate scenario, the budget for the real property tax line item would be increased to reflect the amount of property taxes billed \$2,205,088 (an increase of \$58,301). The amount of property taxes billed is multiplied by the 91% collection rate and \$2,006,630 is estimated to be collected in FY2021. The difference between the amount billed and the amount collected is a loss of \$198,458. The net loss in the current year's revenue for real property at year end is a loss of \$140,157 (-\$198,458 + \$58,301).

The Administration is recommending \$125,000 in residential relief funding be allocated to round 2 of the program for a total program cost of \$134,375 (\$125,000 relief funding plus SVdP admin fee of 9,375 (7.5%)).

Current resources -	\$92,065
Reallocated funding -	<u>42,310</u>
	\$134,375
Total Depot Reallocation -	\$233,499
Anticipated Shortfall -	140,157
Depot Reallocation to Relief	<u>42,310</u>
	\$ 51,032 (Est. Total Depot Realloc Remaining)

## 07/20/2021 – NEW BUSINESS ITAM A.

During consideration of the 2021 ad valorem tax millage rate, the Administration requested permission to move forward with preparing information for consideration of an additional round of residential relief funding to benefit the citizens of Stone Mountain who have been negatively impacted by the Coronavirus pandemic. The Mayor and Council approved the request.

The Administration has been in touch with Jerry Veltri of St. Vincent de Paul. St. Vincent de Paul (SVdP) administered the City's initial round of residential relief funding and aided in the distribution of \$150,000 to local households in mortgage, rent, utility, and other related relief. SVdP was contacted first because the City already has an established relationship with the organization for the administration of such programming. Meeting

Memo: Round 2 – Residential Relief – Stone Mountain Cares Relief Program

with Mr. Veltri and the Grants Manager of SVdP is scheduled for Monday, July 19th, 2021.

Currently, \$92,065 remains in the General Government COVID Relief line item.

During consideration of the 2021 ad valorem tax millage rate, the Council also consented to the presentation of a budget amendment to Council to reallocate the \$233,499 that was previously allocated to a reserve fund for future completion of the Historic Train Depot project. Given the current needs of the City, the Council is considering alternate use of the set aside funds.

1. After report of the Administration's discussion with SVdP, the Council will need to consider whether it would want to move forward with contract draft for SYdP's administration of the next round of funding or whether it would want to solicit other service providers for program administration. Please note that further solicitation may delay any program implementation.
2. The Administration requests Council direction in the funding of an additional round of residential relief funding. Council's consideration should include the amount of funding that will be distributed through the program. Will the amount be limited to the \$92,065 that currently remains in COVID relief set aside? Or will some portion of reallocated Train Depot Funding be assigned to COVID relief?
3. The Administration will present necessary and required budget amendment draft(s) that will coordinate with Council's decisions for the allocation of funding. Council will need to consider approval of such amendments for the allocation of funding.

**MEMORANDUM**  
City of Stone Mountain  
875 Main Street  
Stone Mountain, GA 30083

DATE : July 30, 2021  
TO : Mayor and City Council  
FROM : ChaQuias Thornton, City Manager

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RE : Council Initiated Text Amendments - Proposed Ordinance 2021-04 and 2021-05  
(Microbreweries and Microdistilleries)

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08/03/2021 – REGULAR SESSION – NEW ORDINANCES AND RESOLUTIONS  
ITEMS A. AND B.

During the special called session of Mayor and Council held on Wednesday, July 28<sup>th</sup>, 2021, Council review was conducted of proposed Ordinance 2021-04 (To Amend Chapter 3 Alcoholic Beverages) and proposed Ordinance 2021-05 (To Amend Appendix A Zoning) for consideration of first reads.

Council consented to continue review of the proposed drafts until the business community (particularly the alcohol license establishments) offered comment on the following sections of the proposed changes to Chapter 3 Alcoholic Beverages:

1. Section 3-2. – Definitions

Microdistillery (also known as a craft distillery) means a building or group of buildings where distilled spirits are manufactured (distilled, rectified, bottled, packaged, and distributed for wholesale and/or retail distribution) at a rate of production that does not exceed \_\_\_\_\_ barrels annually.

Note: Planning Commission Chair Alex Brennan recommends 3,000-5,000 barrels for microdistillery

2. Section 3-9. – Times for sales

(a) Except as otherwise provided in this section, beer, wine and distilled spirits shall not be sold for consumption on the premises, except between the hours of 9:00 a.m. and 2:00 a.m., Monday through Friday, and on Saturdays from 9:00 a.m. until ~~12:00 midnight~~ 2:55 a.m. on Sundays.

Note: Planning Commissioner Felicia Evans recommends that 2:55am is too late for the village and suggests that 2am to keep the Saturday to Sunday morning sales times consistent with the Monday through Friday sales times.

City Manager Thornton has provided information to DDA Director Kayla Johnson to distribute to businesses with the purpose of encouraging businesses to offer their comments on the proposed text amendments.

**MEMORANDUM**  
City of Stone Mountain  
875 Main Street  
Stone Mountain, GA 30083

DATE : July 16, 2021  
TO : Mayor and City Council  
FROM : ChaQuias Thornton, City Manager

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RE : Council Consideration for Text Amendment – Microbreweries, Microdistilleries, etc.

07/20/2021 – NEW ORDINANCES AND RESOLUTIONS A and B

Ordinance 2021-04 and 2021-05 are scheduled for review by Council during the 07/20/2021 work session of Council. Public Hearing will be held to receive citizens comments on Ordinance 2021-05 – To Amend Appendix A Zoning.

Although recommendation from the planning commission is not required for ordinance amendments to Chapter 3 Alcoholic Beverages the Commission wanted to express its thoughts regarding the proposed amendments to Chapter 3 (for reference only)

Ordinance 2021-04 – To Amend of Chapter 3 Alcoholic Beverages - Reference Only

Section 3-2. – Definitions

*Microdistillery* (also known as a craft distillery) means a building or group of buildings where distilled spirits are manufactured (distilled, rectified, or blended), bottled, packaged, and distributed for wholesale and/or retail distribution, at a rate of production that does not exceed \_\_\_\_\_ barrels annually.

- **Chair Brennan recommends 3,000-5,000 barrels for microdistillery**

**Section 3-9. – Time for sales**

- (a) Except as otherwise provided in this section, beer, wine and distilled spirits shall not be sold for consumption on the premises, except between the hours of 9:00 a.m. and 2:00 a.m., Monday through Friday, and on Saturdays from 9:00 a.m. until ~~12:00 midnight~~ **2:55 a.m. on Sundays.**
- **Commissioner Evans commented that 2:30am is too late for the village and suggests 2am to keep it consistent with current zoning. Chair Brennan agrees and recommends the text amendment be changed to 2am on Sundays.**

The Planning Commission offers the following recommendation for language changes with its recommended approval of proposed Ordinance 2021-05 - To Amend Appendix A Zoning

- **Current text for Sec 5-5.3:**

13. *Microbrewery, provided that:*

- a. Shall adhere to a maximum floor area of 2,400 square feet.*
- b. No outdoor speaker systems shall be permitted.*
- c. Productions shall be in wholly enclosed buildings.*
- d. No outdoor equipment or outdoor storage is permitted.*

14. *Microdistillery (craft distillery), provided that:*

- a. Shall adhere to a maximum floor area of 2,400 square feet.*
- b. No outdoor speaker systems shall be permitted.*
- c. Productions shall be in wholly enclosed buildings.*
- d. No outdoor equipment or outdoor storage is permitted.*

**Chair Brennan stated 2400 sq ft is too small and outdoor equipment is certainly required for most microbreweries/micro-distilleries.**

**Commission Recommendations:**

**13. Microbrewery, provided that:**

- a. Shall adhere to a maximum floor area of 4,000 square feet.**
- b. No outdoor speaker systems shall be permitted.**
- c. Productions shall be in wholly enclosed buildings.**
- d. ~~No outdoor equipment or outdoor storage is permitted.~~**

**Outdoor equipment shall be permitted, with adequate screening from public view.**

- e. No outdoor storage is permitted.**

**14. Microdistillery (craft distillery), provided that:**

- a. Shall adhere to a maximum floor area of 4,000 square feet.**
- b. No outdoor speaker systems shall be permitted.**
- c. Productions shall be in wholly enclosed buildings.**
- d. ~~No outdoor equipment or outdoor storage is permitted.~~**

**Outdoor equipment shall be permitted, with adequate screening from public view.**

- e. No outdoor storage is permitted.**

- **Current text for Sec 5-7.3:**

10. *Microbrewery, provided that:*

- a. Shall adhere to a maximum floor area of 10,000 square feet.*
- b. No outdoor speaker systems shall be permitted.*
- c. Productions shall be in wholly enclosed buildings.*
- d. No outdoor equipment or outdoor storage is permitted.*

11. *Microdistillery (craft distillery), provided that:*
- a. *Shall adhere to a maximum floor area of 10,000 square feet.*
  - b. *No outdoor speaker systems shall be permitted.*
  - c. *Productions shall be in wholly enclosed buildings.*
  - d. *No outdoor equipment or outdoor storage is permitted.*

**Chair Brennan stated 10,000sq ft is too large and outdoor equipment is certainly required for most microbreweries/micro-distilleries.**

**Commission Recommendations:**

**10. Microbrewery, provided that:**

- a. **Shall adhere to a maximum floor area of 8,000 square feet.**
- b. **No outdoor speaker systems shall be permitted.**
- c. **Productions shall be in wholly enclosed buildings.**
- d. ~~No outdoor equipment or outdoor storage is permitted.~~ **Outdoor equipment shall be permitted, with adequate screening from public view.**
- e. **No outdoor storage is permitted.**

**11. Microdistillery (craft distillery), provided that:**

- a. **Shall adhere to a maximum floor area of 8,000 square feet.**
- b. **No outdoor speaker systems shall be permitted.**
- c. **Productions shall be in wholly enclosed buildings.**
- d. ~~No outdoor equipment or outdoor storage is permitted.~~ **Outdoor equipment shall be permitted, with adequate screening from public view.**
- e. **No outdoor storage is permitted.**

**There were no recommended changes to Section 5-9.**

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ITEM HISTORY

07/06/2021 – COUNCIL POLICY DISCUSSION TOPICS ITEM a.

City Clerk Daniels advised Council that the Planning Commission's recommendation of approval of Ordinance 2021-05 – To Amend Appendix A Zoning with suggested language changes would be provided to Council after the Administrations receipt of meeting minutes from the Commission's June 21<sup>st</sup> meeting session.

06/15/2021 – COUNCIL POLICY DISCUSSION TOPICS ITEM a.

To-date, the Administration has not received any comments, inquiries, or suggested edits to the proposed text amendments to Chapter 3 Alcoholic Beverages and/or Appendix A Zoning with regards to Microbreweries and Microdistilleries. The proposed Zoning amendments have been routed to the Planning Commission for review, with request for Memo: Council Consideration for Text Amendment

comments. The Commission is set to review the proposed amendment to Appendix A Zoning during their next meeting session on Monday June 21, 2021.

The Administration is expecting a July 20<sup>th</sup> first read of the ordinance, as it will await Planning Commission review and comment before presenting the draft as final draft form.

06/01/2021 – COUNCIL POLICY DISCUSSION TOPICS ITEM a.

To-date, the Administration has not received any comments, inquiries, or suggested edits to the proposed text amendments to Chapter 3 Alcoholic Beverages and/or Appendix A Zoning with regards to Microbreweries and Microdistilleries. The proposed Zoning amendments have been routed to the Planning Commission for review, with request for comments.

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05/18/2021 - COUNCIL POLICY DISCUSSION TOPICS ITEM a.

On 05/04/2021 Council provided majority consent for the Administration to move forward with text amendment of the City's Chapter 3 Alcoholic Beverages and Appendix A – Zoning, District Regulations as pertaining to licensing and use provisions for Microbreweries and Microdistilleries. The Administration is reviewing draft ordinance amendments as composed by City Attorney Jeff Strickland. (See working drafts attached). Council is encouraged to review the working drafts and to offer comments/suggested edits.

The proposed final draft forms will be presented to Council after all edits/corrections/revisions of the draft are deemed acceptable by Attorney Strickland and City Manager Thornton. The City's Zone Code requires that the mayor and city council shall hold a public hearing on the proposed action before a zoning decision is made. The term "zoning decision" means final legislative action by the mayor and city council which results in (but is not limited to) the adoption of an amendment to the zoning ordinance which changes the text of the zoning ordinance. A timeline will be presented to the Council for consideration of the zoning text amendment. The timeline will include advertising and holding of the required public hearing and the required two (2) reads of Council.

---

05/04/2021 – COUNCIL POLICY DISCUSSION TOPICS – Item a.

Council consent is requested to allow the Administration to move forward with composition of draft form of text amendments in conjunction with Planning Commission hearing and review as required.

---

04/20/2021 – UNFINISHED BUSINESS – Council Policy Discussion Topic

In anticipation of future development/redevelopment of properties intended for the following uses:

- Microbreweries

Memo: Council Consideration for Text Amendment

- Microdistilleries

the City Manager (Administration) is requesting that Council consider text amendments to Chapter 3 Alcoholic Beverages and Appendix A - Zoning of the City's Code of Ordinances.

As of 2017, where permitted by local ordinance, there was established by Georgia law, an intermediate category of alcohol sale that includes brewpubs, breweries, and distilleries. In 2018, the City Council of Stone Mountain amended Chapter 3 Alcoholic Beverages to include definition and provisions for microbreweries. There were, however, no use regulations added to the City's Zone Code for such use.

**CONSIDERATIONS FOR AMENDMENTS TO CHAPTER 3 – ALCOHOL**

Chapter 3, Section 2.-Definitions currently does not have microdistilleries defined.

*A microdistillery* (also known as a craft distillery) is a building or group of buildings where distilled spirits are manufactured (distilled, rectified, or blended), bottled, packaged, and distributed for wholesale and/or retail distribution, at a rate of production that does not exceed \_\_\_\_\_ gallons annually.

Other associated terms that are recommended for addition to Section 2.-Definitions are:

*Employee* means any person who works or engages in activity for pay on the premises of a licensed establishment on a full-time, part-time, temporary, or contract basis, regardless of whether the person is denominated an employee, independent contractor, agent, lessee, or otherwise. Employee does not include a person exclusively on the premises for repair or maintenance of the premises or for the delivery of goods to the premises.

*Growler* means a professionally sanitized reusable container not exceeding 64 ounces in volume used to transport draft beer for off-premises consumption.

*Liter* means the metric measurement currently used by the United States.

*Manufacturer's tasting room* means a portion of a microbrewery or a microdistillery where the manufacturer allows customers to consume alcoholic beverages that have been produced on the premises.

Add subsection 10 to Section 3-21(a). – Licenses required to sell alcoholic beverages.

(10) Microdistilleries pursuant to section 3-48.

Add Section 3-48. – Microdistilleries

The city clerk may issue license to establishments in which not more than \_\_\_\_\_ barrels of distilled spirits are manufactured (distilled, rectified, or blended) on the

Memo: Council Consideration for Text Amendment



licensed premises in a calendar year and in which such manufactured distilled spirits may be sold for consumption on the premises and consumption off the premises, subject to the limitations presented in O.G.C.A. §3-4-24.2. Term “barrel” shall be defined as set forth in O.C.G.A. §3-4-1.

(a) No person, corporation, partnership or other legal entity shall engage in the business of a microdistillery of any kind in the incorporated limits of the city without first obtaining a license therefor under this chapter and a license to operate a distillery issued by the state revenue commissioner.

(b) Any holder of a license for a microdistillery issued pursuant to this chapter is required to apply for and obtain a distillery license from the state before any sales commence. Additionally, city licensees are required to abide by all applicable state regulations and laws.

(c) A microdistillery which is qualified and licensed by the state shall be allowed to manufacture distilled spirits or to distribute such distilled spirits at wholesale and at retail on the premises, provided it has filed, through the city clerk, an application with copies of its license and permits from the state, along with applicable license fees. A microdistillery must comply with all local zoning and other regulations before commencing operation.

(d) Retail sales of distilled spirits for consumption on the premises only licenses shall require that all consumption be at the microdistillery site.

(e) Notwithstanding any provision in this chapter to the contrary, retail sales of distilled spirits shall be allowed in a tasting room operated by a microdistillery licensed pursuant to state law. Nothing in this section shall be construed so as to authorize a microdistillery to sell distilled spirits in any tasting room on premises which are not actually located on the property where such distilled spirits are produced.

#### **RECOMMENDATION OF AMENDMENTS TO APPENDIX A - ZONING**

The Administration also recommends that Article V: - District Regulations of the City’s Appendix A – Zoning be amended to include microbreweries and microdistilleries as uses permitted by condition in the Village Center Mixed Use (VCM), General Commercial (GC), and Industrial (I) Districts of the City with the following provisions for consideration:

#### **Village center mixed-use (VCM) district 5-5.3 Permitted by condition (special uses)**

13. Microbrewery provided that:

- a. Shall be a maximum of 2,400 square feet.
- b. No outdoor speaker systems shall be permitted.\*
- c. Productions shall be in wholly enclosed building.
- d. No outdoor equipment or outdoor storage is permitted.

\*(Noise provision may only reference the City’s noise ordinance)

14. Craft Distillery (micro-distillery) provided that:

Memo: Council Consideration for Text Amendment

- a. Shall be a maximum of 2,400 square feet.
- b. No outdoor speaker systems shall be permitted.\*
- c. Productions shall be in wholly enclosed building.
- d. No outdoor equipment or outdoor storage is permitted.

\*(Noise provision may only reference the City's noise ordinance)

**General commercial (GC) district 5-7.3 Permitted by condition (special uses).**

10. Microbrewery provided that:

- a. Shall adhere to a maximum floor area of 10,000 square feet.
- b. No outdoor speaker systems shall be permitted.\*
- c. Productions shall be in wholly enclosed building.
- d. No outdoor equipment or outdoor storage is permitted.

\*(Noise provision may only reference the City's noise ordinance)

11. Microdistillery (micro-distillery) provided that:

- a. Shall adhere to a maximum floor area of 10,000 square feet.
- b. No outdoor speaker systems shall be permitted.\*
- c. Productions shall be in wholly enclosed building.
- d. No outdoor equipment or outdoor storage is permitted.

\*(Noise provision may only reference the City's noise ordinance)

**Industrial (I) district 5-9.3 Permitted by condition (special uses).**

7. Microbrewery provided that:

- a. Shall adhere to a maximum floor area of 12,000 square feet.
- b. Productions shall be in wholly enclosed building.
- ~~e. No outdoor equipment or outdoor storage is permitted.~~

8. MicroDistillery (micro-distillery) provided that:

- a. Shall adhere to a maximum floor area of 12,000 square feet.
- b. Productions shall be in wholly enclosed building.
- ~~e. No outdoor equipment or outdoor storage is permitted.~~

**PROCESS FOR INITIATION OF TEXT AMENDMENT**

**Proposed amendments to Chapter 3 – Alcoholic beverages are outside of the City's Zone Code and do not require public hearing. However, proposed amendments to Appendix A – Zoning require adherence to public hearing regulations.**

In accordance with Appendix A – Zoning, Section 2-1.3 *Procedure for amending the zoning ordinance*, the mayor and city council may initiate zoning text or zoning map amendment and are exempt from the requirements for applications of the same.

1. Consent is received from Council to move forward with text amendment,

Memo: Council Consideration for Text Amendment

2. The Administration will collaborate with the City attorney to form preliminary draft of language amendments deemed necessary to accomplish the intent of the change,
3. The Administration will present the draft language amendments to the Planning and Zoning Committee for review and recommendation.
4. The Administration will cause public hearing in the matter, in accordance with Appendix A – Zoning, Section 2-1.4 Public hearing and decision.
5. Final draft of the form amendment will be presented to Council at a work session of Council with recommendation from the Administration and the Planning Commission.
6. Ordinance amendments require two (2) official reads before adoption.

Thank you,  
CMThornton

**AN ORDINANCE TO AMEND CHAPTER 3 (ALCOHOLIC BEVERAGES)  
OF THE CODE OF THE CITY OF STONE MOUNTAIN, GEORGIA**

**WHEREAS**, pursuant to its Charter and other laws of the State of Georgia, the City of Stone Mountain, Georgia (the "City"), has the power to adopt reasonable ordinances, resolutions and regulations for the protection and preservation of the public health, safety and welfare of its citizens; and

**WHEREAS**, the City Council desires to update and amend Chapter 3 (Alcoholic Beverages) of The Code of the City of Stone Mountain, Georgia; and

**WHEREAS**, pursuant to O.C.G.A. § 3-3-7(m), in all municipalities in which the sale of alcoholic beverages is lawful, the governing authority of the municipality may authorize the sale of alcoholic beverages for consumption on the premises at any time from 11:55 P.M. on Saturdays until 2:55 A.M. on Sundays by the adoption of an ordinance or resolution; and

**WHEREAS**, pursuant to O.C.G.A. § 3-3-7(p.1), notwithstanding other laws, in all municipalities in which package sales by retailers of malt beverages and wine, but not distilled spirits, have been authorized on Sunday from 12:30 P.M. to 11:30 P.M. pursuant to a referendum held under O.C.G.A. § 3-3-7(p) and sales of alcoholic beverages for consumption on the premises on Sundays from 11:00 A.M. to 12:00 Midnight, including for an additional hour and a half from 11:00 A.M. to 12:30 P.M., have been authorized pursuant to a referendum held under O.C.G.A. § 3-3-7(j) or (j.1), the governing authority of the municipality may by adoption of a resolution or ordinance allow package sales by retailers of malt beverages and wine for consumption off the premises on Sundays from 11:00 A.M. until 12:00 Midnight.

**NOW THEREFORE**, it is hereby ordained by the governing authority of the City of Stone Mountain as follows:

**SECTION 1.** Chapter 3 (Alcoholic Beverages) of The Code of the City of Stone Mountain, Georgia, is hereby amended as set out in Exhibit A, attached hereto and incorporated herein by this reference.

**SECTION 2.** All ordinances, parts of ordinances, or regulations in conflict herewith are hereby repealed.

**SECTION 3.** This Ordinance shall become effective upon its adoption.

**SECTION 4.** This Ordinance was proposed by Council Member \_\_\_\_\_ with a motion to adopt. Thereafter, the motion was seconded by Council Member \_\_\_\_\_. \_\_\_\_\_ Council Members voted in favor of the motion and \_\_\_\_\_ Council Members voted against the motion.

---

**SO ORDAINED** this \_\_\_\_ day of \_\_\_\_\_, 2021.

Attest:

\_\_\_\_\_  
City Clerk

[CITY SEAL]

\_\_\_\_\_  
Patricia Wheeler, Mayor

Approved as to form:

\_\_\_\_\_  
Jeff Strickland, City Attorney

**DRAFT** Page 2 of 6

EXHIBIT A

[The following text of The Code of the City of Stone Mountain, Georgia, is to be amended by removing the ~~strike through~~ language and adding the **bold** language.]

THE CODE OF THE CITY OF STONE MOUNTAIN, GEORGIA

CHAPTER 3 - ALCOHOLIC BEVERAGES

ARTICLE I. - IN GENERAL

Sec. 3-2. - Definitions.

...

***Barrel*** means:

- (1) **Regarding distilled spirits, as defined in O.C.G.A. § 3-4-1, which is presently 53 gallons.**
- (2) **Regarding beer or other malt beverages, as defined in O.C.G.A. § 3-5-1, which is presently 31 gallons.**

...

***Employee*** means any person who works or engages in activity for pay on the premises of a licensed establishment on a full-time, part-time, temporary, or contract basis, regardless of whether the person is denominated an employee, independent contractor, agent, lessee, or otherwise. **Employee does not include a person exclusively on the premises for repair or maintenance of the premises or for the delivery of goods to the premises.**

...

***Growler*** means a professionally sanitized, reusable container not exceeding 64 ounces in volume used to transport draft beer or other malt beverages for off-premises consumption.

...

***Liter*** means the standard metric unit of measurement.

...

***Manufacturer's tasting room*** means a portion of a microbrewery or a microdistillery where the manufacturer allows customers to consume alcoholic beverages that have been produced on the premises. At distilleries, this may be referred to as a "cocktail room." At breweries, this may be referred to as a "malt beverage taproom" or a "taproom."

...

***Microbrewery*** means an establishment in which not more than ten thousand (10,000) barrels of beer or malt beverages are manufactured or brewed on the licensed premises in a calendar year and in which such manufactured or brewed beer or malt beverages may be sold for consumption on the premises and consumption off the premises, subject to the limitations presented in O.C.G.A. § 3-5-24.1. ~~As used in this definition, the term "barrel" shall be defined as set forth in O.C.G.A. § 3-5-1.~~

---

**Microdistillery** (also known as a craft distillery) means a building or group of buildings where distilled spirits are manufactured (distilled, rectified, or blended), bottled, packaged, and distributed for wholesale and/or retail distribution, at a rate of production that does not exceed \_\_\_\_\_ barrels annually.

...

**Sec. 3.7. - Sale of alcoholic beverages by the drink for consumption only on the premises.**

No person shall be allowed to sell, distribute, or give away alcoholic beverages by the drink for consumption only on the premises except as set forth in this ~~article~~ **chapter**.

...

**Sec. 3-9. - Time for sales.**

- (a) Retailers shall not engage in the sale of beer and wine in original packages for off-premises consumption except between the hours of 7:00 a.m. and 12:00 midnight, Monday through Saturday, and on Sundays between the hours of ~~12:30 p.m.~~ **11:00 a.m.** and ~~11:30 p.m.~~ **12:00 midnight**.
- (b) Except as otherwise provided in this section, beer, wine and distilled spirits shall not be sold for consumption on the premises, except between the hours of 9:00 a.m. and 2:00 a.m., Monday through Friday, and on Saturdays from 9:00 a.m. until ~~12:00 midnight~~ **2:55 a.m. on Sundays**.
- (c) Retailers who have Sunday sales permit may sell beer, wine, and distilled spirits for consumption on the premises from 11:00 a.m. until 12:00 midnight.
- (d) The sale of alcoholic beverages on election days is permitted within the city in accordance with O.C.G.A. § 3-3-20.
- (e) **Cocktail Rooms – Distillers may sell distilled spirits in accordance with O.C.G.A. § 3-4-24.2(a) on all days and all times that sales of distilled spirits by retailers are lawful within the City, including, but not limited to Sundays.**
- (f) **Taprooms – Brewers may sell beer or other malt beverages in accordance with O.C.G.A. § 3-5-24.1(a) on all days and all times that sales of malt beverages by retailers are lawful within the City, including, but not limited to Sundays.**

...

**ARTICLE II. - LICENSING**

**Sec. 3-21. - License required to sell alcoholic beverages.**

- (a) Licenses for the sale of alcoholic beverages shall be issued by the city clerk. The fees for such licenses shall be an amount set by resolution of city council, which amount shall remain in effect until modified or amended by subsequent resolution adopted by the city council. The following licenses are available:

**DRAFT** Page 6 of 6

...

**(10) Microdistilleries pursuant to section 3-48.**

...

**Sec. 3-27. - Compliance with zoning regulations.**

- (a) No license under this chapter shall be issued unless the location meets currently applicable provisions of the zoning ordinances of the city as amended; further, no license shall be issued unless the location is within the commercial, ~~or~~ mixed-use, **or industrial** zoning districts.
- (b) The provisions of this section shall not apply to those business establishments holding a valid retail package license for the sale of malt beverages and /or wine on the date of adoption of this chapter provided that such license remains current.

...

**Sec. 3-37. - Combining retail and retail consumption licenses.**

No premises licensed for the retail sale of alcoholic beverages shall hold a license for or allow the retail consumption on the premises of alcoholic beverages. **This section shall not be interpreted to prohibit brew pubs, microbreweries, or microdistilleries from conducting retail sales and on premises consumption operations at the same location as allowed under state law and in accordance with this chapter.**

...

**Sec. 3-47. -Microbreweries.**

The city clerk may issue license to establishments in which not more than ten thousand (10,000) barrels of beer or malt beverages are manufactured or brewed on the licensed premises in a calendar year and in which such manufactured or brewed beer or malt beverages may be sold for consumption on the premises and consumption off the premises, subject to the limitations presented in O.C.G.A. § 3-5-24.1. For the purposes of this code section and as defined in Chapter 3 of The Code of the City of Stone Mountain, such establishments shall be licensed as microbreweries. ~~As the term "barrel", for the purposes of this code section, shall be defined as set forth in O.C.G.A. § 3-5-1.~~

**Sec. 3-48. - Microdistilleries.**

The city clerk may issue license to establishments in which not more than \_\_\_\_\_ barrels of distilled spirits are manufactured (distilled, rectified, or blended) on the licensed premises in a calendar year and in which such manufactured distilled spirits may be sold for consumption on the premises and consumption off the premises, subject to the limitations presented in O.G.C.A. §3-4-24.2. For the purposes of this code section and as defined in Chapter 3 of The Code of the City of Stone Mountain, such establishments shall be licensed as microdistilleries.



- 
- (a) No person, corporation, partnership or other legal entity shall engage in the business of a microdistillery of any kind in the incorporated limits of the city without first obtaining a license therefor under this chapter and a license to operate a distillery issued by the state revenue commissioner.
  - (b) Any holder of a license for a microdistillery issued pursuant to this chapter is required to apply for and obtain a distillery license from the state before any sales commence. Additionally, city licensees are required to abide by all applicable state regulations and laws.
  - (c) A microdistillery which is qualified and licensed by the state shall be allowed to manufacture distilled spirits or to distribute such distilled spirits at wholesale and at retail on the premises, provided it has filed, through the city clerk, an application with copies of its license and permits from the state, along with applicable license fees. A microdistillery must comply with all local zoning and other regulations before commencing operation.
  - (d) Retail sales of distilled spirits for consumption on the premises only licenses shall require that all consumption be at the microdistillery site.
  - (e) Notwithstanding any provision in this chapter to the contrary, retail sales of distilled spirits shall be allowed in a tasting room operated by a microdistillery licensed pursuant to state law. Nothing in this section shall be construed so as to authorize a microdistillery to sell distilled spirits in any tasting room on premises which are not actually located on the property where such distilled spirits are produced.

### ARTICLE III. - REGULATION OF PACKAGE SALES

#### Sec. 3-50. -Sale of package distilled spirits, malt beverages and/or wine conducted in conjunction with other business.

Except as provided in section 3-47 and section 3-48 of this chapter, no person shall be allowed to sell at retail packaged **distilled spirits**, malt beverages or foreign and domestic wines unless the same is sold in conjunction with some other kind of business.

...

### ARTICLE IV. - REGULATION OF SALES BY THE DRINK

#### Sec. 3-70. - Licenses.

Except as authorized in section 3-86, a license for consumption on the premises of alcoholic beverages may be granted only to a restaurant, **brew pub, microbrewery, microdistillery**, private club, legitimate theater or hotel/motel as defined in section 3-2.

**DRAFT** Page 5 of 6

AN ORDINANCE TO AMEND APPENDIX A (ZONING) OF THE CODE  
OF THE CITY OF STONE MOUNTAIN, GEORGIA

WHEREAS, pursuant to its Charter and other laws of the State of Georgia, the City of Stone Mountain, Georgia (the "City"), has the power to adopt reasonable ordinances, resolutions and regulations for the protection and preservation of the public health, safety and welfare of its citizens; and

WHEREAS, the City Council desires to update and amend the Stone Mountain Zoning Ordinance, codified at Appendix A (Zoning) of The Code of the City of Stone Mountain, Georgia (the "Zone Code"); and

WHEREAS, pursuant to Section 2-1.3 of the Zone Code, the Mayor and City Council may initiate zoning text amendments whenever the public necessity, public convenience, general welfare or good zoning practice justify such action; and

WHEREAS, in accordance with state law and pursuant to Section 2-1.4 of the Zone Code, the Mayor and City Council conducted an appropriately noticed public hearing regarding this zoning decision.

NOW THEREFORE, it is hereby ordained by the governing authority of the City of Stone Mountain as follows:

SECTION 1. Appendix A (Zoning) of The Code of the City of Stone Mountain, Georgia, is hereby amended as set out in Exhibit A, attached hereto and incorporated herein by this reference.

SECTION 2. All ordinances, parts of ordinances, or regulations in conflict herewith are hereby repealed.

SECTION 3. This Ordinance shall become effective upon its adoption.

SECTION 4. This Ordinance was proposed by Council Member \_\_\_\_\_ with a motion to adopt. Thereafter, the motion was seconded by Council Member \_\_\_\_\_. \_\_\_\_\_ Council Members voted in favor of the motion and \_\_\_\_\_ Council Members voted against the motion.

SO ORDAINED this \_\_\_\_ day of \_\_\_\_\_, 2021.

\_\_\_\_\_  
Patricia Wheeler, Mayor

Attest:

\_\_\_\_\_  
City Clerk

Approved as to form: \_\_\_\_\_

City Attorney

**DRAFT** Page 3 of 3

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**EXHIBIT A**

[The following text of The Code of the City of Stone Mountain, Georgia, is to be amended by removing the ~~strikethrough~~ language and adding the **bold** language.]

**THE CODE OF THE CITY OF STONE MOUNTAIN, GEORGIA**

**APPENDIX A - ZONING**

**ARTICLE V. - DISTRICT REGULATIONS**

**Section 5-5. - Village center mixed-use (VCM) district.**

...

Sec. 5-5.3 Permitted by condition (special uses).

- A. The following uses may be permitted provided the applicant for such a development is granted a conditional use permit by the mayor and council after receiving recommendations from the planning commission and after a public hearing:

...

**13. Microbrewery, provided that:**

- a. Shall adhere to a maximum floor area of 2,400 square feet.**
- b. No outdoor speaker systems shall be permitted.**
- c. Productions shall be in wholly enclosed buildings.**
- d. No outdoor equipment or outdoor storage is permitted.**

**14. Microdistillery (craft distillery), provided that:**

- a. Shall adhere to a maximum floor area of 2,400 square feet.**
- b. No outdoor speaker systems shall be permitted.**
- c. Productions shall be in wholly enclosed buildings.**
- d. No outdoor equipment or outdoor storage is permitted.**

...

**Section 5-7. - General commercial (GC) district.**

...

Sec. 5-7.3 Permitted by condition (special uses).

- A. The following uses may be permitted provided the applicant for such a development is granted a conditional use permit by the mayor and council after receiving recommendations from the planning commission and after a public hearing:

...

**10. Microbrewery, provided that:**

- a. Shall adhere to a maximum floor area of 10,000 square feet.**

**DRAFT** Page 2 of 3

- 
- b. No outdoor speaker systems shall be permitted.**
  - c. Productions shall be in wholly enclosed buildings.**
  - d. No outdoor equipment or outdoor storage is permitted.**

- 11. Microdistillery (craft distillery), provided that:**
  - a. Shall adhere to a maximum floor area of 10,000 square feet.**
  - b. No outdoor speaker systems shall be permitted.**
  - c. Productions shall be in wholly enclosed buildings.**
  - d. No outdoor equipment or outdoor storage is permitted.**

...

**Section 5-9. - Industrial (I) district.**

...

**Sec. 5-9.3 Permitted by condition (special uses).**

- A. The following uses may be permitted provided the applicant for such a development is granted a conditional use permit by the city council after receiving recommendations from the planning commission and after a public hearing:**

...

- 7. Microbrewery, provided that:**
  - a. Shall adhere to a maximum floor area of 12,000 square feet.**
  - b. Productions shall be in wholly enclosed buildings.**
  - c. No outdoor equipment or outdoor storage is permitted.**
- 8. Microdistillery (craft distillery), provided that:**
  - a. Shall adhere to a maximum floor area of 12,000 square feet.**
  - b. Productions shall be in wholly enclosed buildings.**
  - c. No outdoor equipment or outdoor storage is permitted.**

...

**MEMORANDUM**  
City of Stone Mountain  
875 Main Street  
Stone Mountain, GA 30083

DATE : July 16, 2021  
TO : Mayor and City Council  
FROM : ChaQuias Thornton, City Manager

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RE : Request for Open Container Exemption – Resolution 2021-12

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07/20/2021 – NEW ORDINANCES AND RESOLUTIONS C.

The DDA Board approved the contract with Main Street Stone Mountain, Inc. on July 12, 2021 for the Tunes by the Tracks Fall series beginning on September 3, 2021. Main Street, Inc. would like approval from the City Council for the open container exemption. Attached are the following documents:

1. Proposed Resolution 2021-12
2. Open container area map
3. Open container sales site map.

The sales site map has two sticky notes that report the distance to the United Methodist Church property of 322 feet and 325 feet to the Georgia Military College property.

## RESOLUTION 2021-12

WHEREAS, Ordinance 2015-03 was adopted by the Mayor and City Council on May 5, 2015 establishing an exemption from the open container ordinance; and

WHEREAS, Main Street Stone Mountain, Inc. is a private non-profit corporation established under the laws of the State of Georgia and is qualified by the Internal Revenue Service to accept tax deductible contributions under Section 501(c)(3);

NOW THEREFORE BE IT RESOLVED by the Mayor and City Council of Stone Mountain, Georgia that Main Street Stone Mountain, Inc. is exempted from Section 3-5(c) of the open containers code under the provisions of Section 3-5(c)(2); and

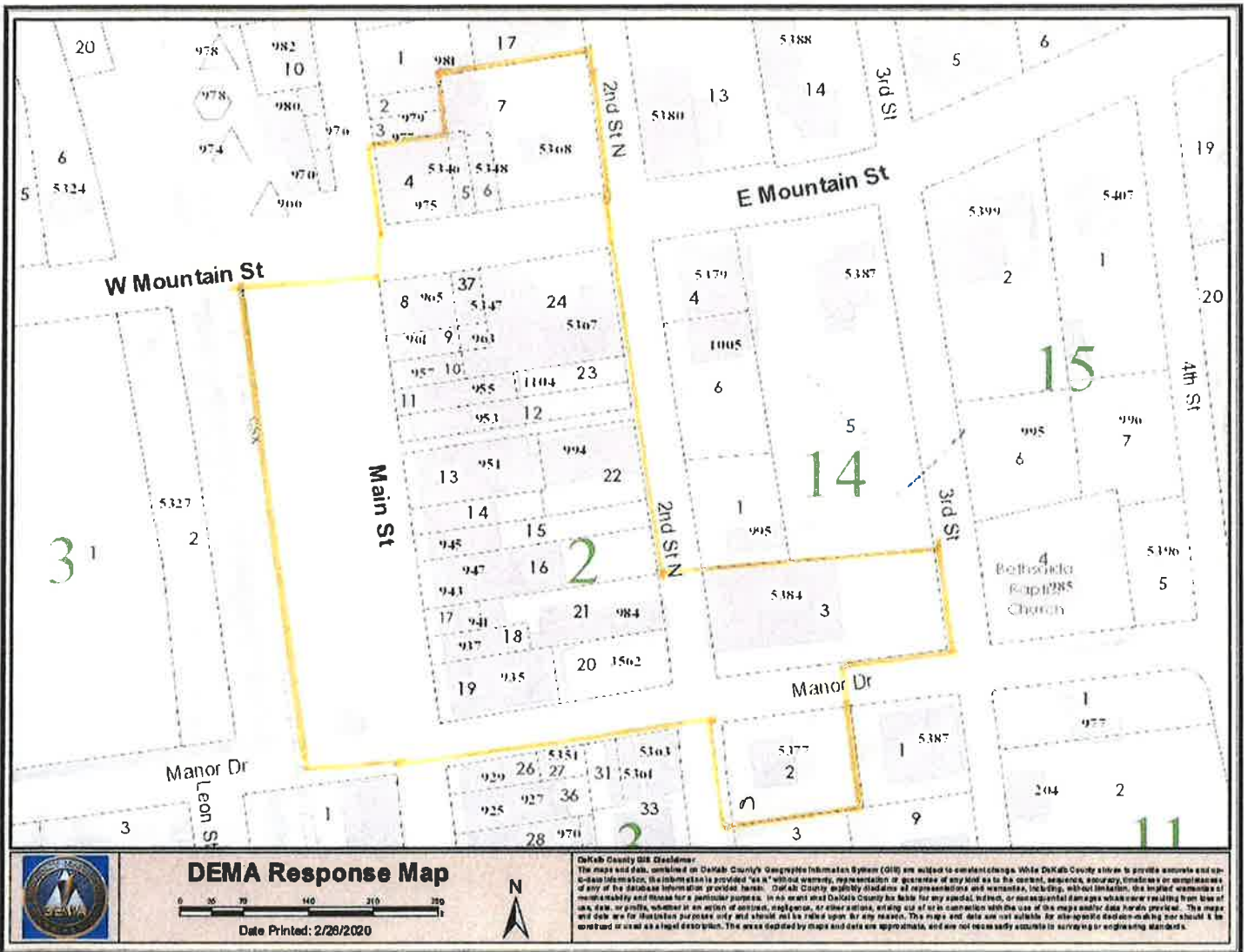
BE IT FURTHER RESOLVED that said exemption is subject to the following conditions:

1. Patrons of the event known as Tunes by the Tracks scheduled on each Friday during the months of September and October of 2021 may consume alcoholic beverages between the hours of 5:00 PM and 10:00 PM in the area outlined on the attached map, including abutting sidewalks; and
2. No glass containers may be used; and
3. Public service announcement regarding Georgia's open container statute will be made during intermission at each Tunes by the Tracks concert; and
4. Agreements between Main Street Stone Mountain, Inc. and establishments located in the event area that hold a license to sell alcoholic beverages for consumption on the premises must be submitted to the City Clerk or their designee to qualify those establishments for participation in the exemption.

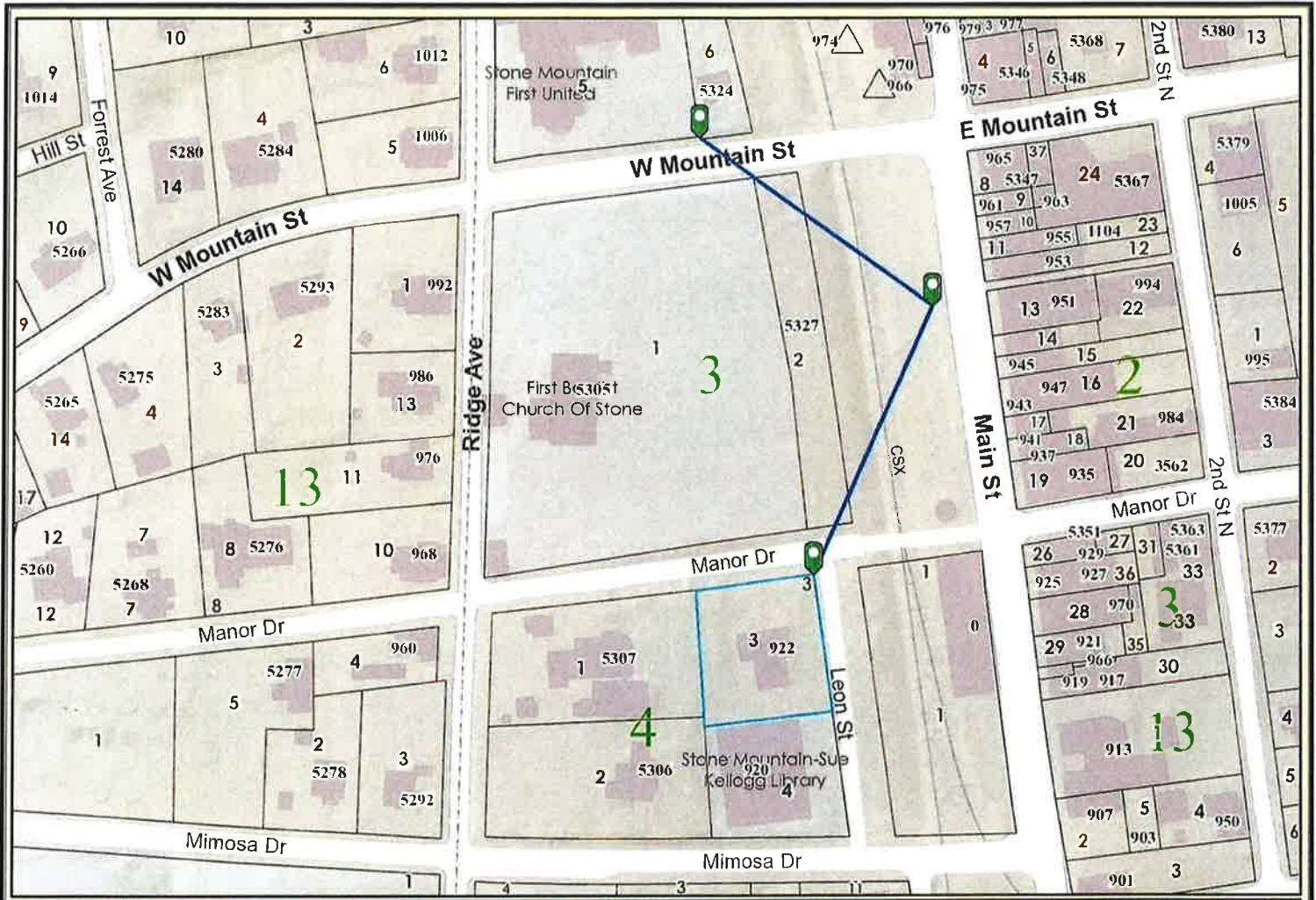
SO RESOLVED, this \_\_\_\_\_ day of \_\_\_\_\_, 2021

\_\_\_\_\_  
Patricia Wheeler, Mayor

\_\_\_\_\_  
Alicia Daniels, City Clerk







**Tunes by the Tracks**



Date Printed: 4/10/2019



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**RESOLUTION 2021-13**  
**A Resolution of Mayor and City Council of Stone Mountain, Georgia**

WHEREAS, the local budget for the City of Stone Mountain, Georgia for the fiscal year 2021 was adopted on December 1, 2020; and

WHEREAS, the City entered into Agreement between the DeKalb Convention & Visitors Bureau and is required to pay to DCVB an amount equal to 100% of the Hotel/Motel Tax collected at 3%; and

WHEREAS, it is necessary to allocate funding for the payments to DCVB as estimated at \$4,800; and

WHEREAS, revenue received for Film Permits are in excess of budgetd allocations in the amount of \$5,600; and

WHEREAS, revenue received for the Village Cruisers Car Show fees are in excess of budget allocations in the amount of \$925; and

WHEREAS, the amount of revenue amendments are in excess of anticipated expenditures in the amount of \$800, w \$800 being assigned to the Contingenies line item in Fund 02 Visitor Center to balance the Fund budget; mitigate the spread of COVID-19;

THEREFORE, be it resolved by the Mayor and Council of the City of Stone Mountain, Georgia, that the following amendment to the FY2021 general fund budget be made this \_\_\_\_ day of \_\_\_\_\_, 2021.

**FUND 02**

<b>REVENUE</b>		<b>LINE ITEM DESCRIPTION</b>	<b>Increase</b>	<b>Decrease</b>	<b>Balance</b>
02	3000.32.2260	Film Permits	5,600		
02	3000.38.9306	Car Show Fees	925		
		Total	6,525	0	6,525
<b>EXPENSE</b>		<b>LINE ITEM DESCRIPTION</b>	<b>Increase</b>	<b>Decrease</b>	
02	5075.52.3900	Other Purchased Services	4,800		
02	5075.57.9000	Contingencies	800		
02	5075.61.9006	Car Show Costs	925		
		Total	6,525	0	6,525
		Sum Check			0

\_\_\_\_\_  
 Patricia Wheeler, Mayor

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 Alicia Daniels, City Clerk